

U.S. Appl. No. 09/476,485
Our Ref. No.: PHY-003US1/108236.119
Amendment and Response dated July 29, 2004
Reply to Office Action dated April 29, 2004

Pending Claims:

Claims 1-72. (Canceled)

Claim 73. (Currently Amended): A pharmaceutical formulation comprising:

- (a) a pharmaceutically acceptable carrier; and
- (b) a ~~FRIL family member molecule~~ protein that:
 - (1) binds to a normally glycosylated FLT3 receptor;
 - ~~(2) preserves progenitor cells; and~~
 - (3) ~~(2)~~ is encoded by a first nucleic acid molecule that hybridizes under stringent conditions to a second nucleic acid having a nucleotide sequence complementary to a nucleotide sequence selected from the group consisting of SEQ ID NO: 1, SEQ ID NO: 5, and SEQ ID NO: 7 ~~[[.]]~~ ; and

(3) preserves hematopoietic progenitor cells.

Claim 74. (Currently Amended): A pharmaceutical formulation comprising:

- (a) a pharmaceutically acceptable carrier; and
- (b) a ~~FRIL family member molecule~~ protein that:
 - (1) binds to a normally glycosylated FLT3 receptor;
 - ~~(2) preserves progenitor cells; and~~
 - ~~((3) (2))~~ has at least 95% amino acid sequence identity to an amino acid sequence selected from the group consisting of SEQ ID NO: 2, SEQ ID NO: 6, and SEQ ID NO: 8 ~~[[.]]~~ ; and

(3) preserves hematopoietic progenitor cells.

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Claim 75. (Currently Amended): ~~The~~ A pharmaceutical formulation comprising:

(a) a pharmaceutically acceptable carrier; and

(b) an effective amount of a protein that:

(1) binds to a normally glycosylated FLT3 receptor;

(2) is encoded by a first nucleic acid molecule that hybridizes under stringent conditions to a second nucleic acid having a nucleotide sequence complementary to a nucleotide sequence selected from the group consisting of SEQ ID NO: 1, SEQ ID NO: 5, and SEQ ID NO: 7; and of claim 73 or 74, wherein administration of an effective amount of said formulation to a subject undergoing a therapeutic treatment having progenitor-cell depleting activity alleviates or

(3) reduces said progenitor-cell a progenitor cell depleting activity in a subject undergoing a therapeutic treatment having progenitor cell depleting activity.

Claim 76. (Currently Amended): The pharmaceutical formulation of claim 75 or 84, wherein said subject is a human undergoing treatment for cancer.

Claim 77. (Currently Amended): The pharmaceutical formulation of claim 75 or 84, wherein said therapeutic treatment is selected from the group consisting of radiotherapy, chemotherapy, or a combination of radiotherapy and chemotherapy.

Claim 78. (Previously Presented): The pharmaceutical formulation of claim 77, wherein said chemotherapy comprises administration of a chemotherapeutic selected from the group consisting of cytarabine, doxorubicin, and 5-fluorouracil.

Claim 79. (Currently Amended): The pharmaceutical formulation of claim 73 ~~or 74~~ 74, 75 or 84, wherein said pharmaceutical ~~carrier~~ formulation is suitable for parenteral administration.

Claim 80. (Currently Amended): The pharmaceutical formulation of claim 79, wherein said parenteral administration is selected from the group consisting of intravenous, intra-arterial, subcutaneous, intramuscular, intraperitoneal and intra-marrow administration.

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Claim 81. (Currently Amended): The pharmaceutical formulation of claim 73 ~~or 74~~ 74, 75 or 84, wherein said ~~FRIL family member molecule~~ protein comprises the amino acid sequence of SEQ ID NO: 2.

Claim 82. (Currently Amended): The pharmaceutical formulation of claim 73 ~~or 74~~ 74, 75 or 84, wherein said ~~FRIL family member molecule~~ protein comprises the amino acid sequence of SEQ ID NO: 6.

Claim 83. (Currently Amended): The pharmaceutical formulation of claim 73 ~~or 74~~ 74, 75 or 84, wherein said ~~FRIL family member molecule~~ protein comprises the amino acid sequence of SEQ ID NO: 8.

Claim 84. (New): A pharmaceutical formulation comprising:

- (a) a pharmaceutically acceptable carrier; and
- (b) an effective amount of a protein that:
 - (1) binds to a normally glycosylated FLT3 receptor;
 - (2) has at least 95% amino acid sequence identity to an amino acid sequence selected from the group consisting of SEQ ID NO: 2, SEQ ID NO: 6, and SEQ ID NO: 8; and
 - (3) reduces a progenitor cell depleting activity in a subject undergoing a therapeutic treatment having progenitor cell depleting activity.